

REGULAR MEETING  
BOROUGH COUNCIL  
BOROUGH OF RUMSON  
December 21, 2006

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of the Memorial Borough Hall on December 21, 2006 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Broderick, Hemphill, Kammerer, Rubin and Shanley.

Absent: None.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was not present.

C. Bernard Blum, Jr., Borough Engineer, was present.

Bonnie Heard, Acting Borough Engineer, was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2006 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

**MOTION TO CHANGE THE ORDER OF BUSINESS IN ORDER TO HOLD THE SALE OF THREE BOROUGH VEHICLES AT PUBLIC AUCTION:**

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the order of business was changed to hold the public auction of the three Borough vehicles no longer needed by the Borough. All in favor.

**PUBLIC AUCTION:**

Mayor Ekdahl announced that the public auction of the three vehicles no longer needed by the Borough would be held at this time, that all sales were final and that there were no guarantees on the vehicles.

The Borough Attorney advised that payment for any items bought at this auction must be made prior to the end of the meeting this evening and only cash or certified check was to be accepted.

The bidding was opened to the public with a minimum bid of \$1,000 for each vehicle, as advertised in the published Public Notice, and the following bids were received:

Vehicles	Minimum Bid	Bids Offered	Buyer's Name/Address
1997 Ford Crown Victoria Car w/91,700 miles	\$1,000	<b>\$1,000</b>	Tricia Nelson 64 Waterman Ave Rumson NJ 07760
1999 Ford Crown Victoria Car w/70,741 miles	\$1,000	\$1,000; \$1,100; \$1,125; \$1,150; \$1,175; \$1,200; <b>\$1,225</b>	Dan Dames PO Box 62 Brielle NJ 08730
1999 Ford Crown Victoria Car w/94,351 miles	\$1,000	\$1,000; \$1,025; \$1,050; \$1,100; \$1,125; \$1,150; \$1,175; \$1,200; \$1,225; \$1,250; \$1,275; \$1,300; \$1,325; \$1,350; \$1,375; \$1,400; \$1,425; \$1,500; \$1,525; \$1,550; \$1,575; \$1,600; \$1,625; <b>\$1,700</b>	Kevin Brown PO Box 308 Long Branch NJ 07740

It was announced that all vehicles and equipment must be removed by the purchaser within seven (7) days of this sale.

The purchasers paid for the items and received receipts from the Municipal Clerk to show to the DPW Superintendent when they pick up their purchases.

Mayor Ekdahl thanked all the bidders.

#### **MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS:**

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the meeting returned to the Regular Order of Business. All in favor.

#### **COMMUNICATIONS:**

#### **CONSENT AGENDA:**

**LETTER FROM LEON S. AVAKIAN, INC. ON BEHALF OF THE BOROUGH OF RUMSON, 80 EAST RIVER ROAD ADVISING OF THE APPLICATION TO THE STATE D.E.P. FOR A FRESHWATER WETLANDS GENERAL PERMIT #13 TO DREDGE SILTATION AND SEDIMENT FROM THE BOTTOM OF THE EXISTING POND ON BOROUGH PROPERTY LOCATED AT BLOCK 44, LOT 15 ON BLACKPOINT ROAD:**

The Municipal Clerk/Administrator advised of a letter from Leon S. Avakian, Inc. on behalf of the Borough of Rumson advising of the application to New Jersey Department of Environmental Protection for a Freshwater Wetlands General Permit #13 to dredge siltation and sediment from the

bottom of the existing pond on Borough property located at Block 44, Lot 15 on Blackpoint Road (known as the "Cow Pond").

**LETTER FROM LEON S. AVAKIAN, INC. ON BEHALF OF THE BOROUGH OF RUMSON, 80 EAST RIVER ROAD ADVISING OF THE APPLICATION TO THE STATE D.E.P. FOR A FRESHWATER WETLANDS GENERAL PERMIT #13 TO DREDGE SILTATION AND SEDIMENT FROM THE BOTTOM OF THE EXISTING POND ON BOROUGH PROPERTY LOCATED AT BLOCK 39, LOT 13 ON EAST RIVER ROAD (ACROSS FROM BOROUGH HALL):**

The Municipal Clerk/Administrator advised of a letter from Leon S. Avakian, Inc. on behalf of the Borough of Rumson advising of the application to New Jersey Department of Environmental Protection for a Freshwater Wetlands General Permit #13 to dredge siltation and sediment from the bottom of the existing pond on Borough property located at Block 39, Lot 13 on East River Road across from Borough Hall (known as the "Duck Pond").

**LETTER FROM RUMSON FIRE COMPANY ADVISING OF THE DECEMBER 7, 2006 ELECTION RESULTS FOR THE 2007 FIRE CHIEF AND ASSISTANT FIRE CHIEF:**

The Municipal Clerk/Administrator advised of a letter to the Mayor and Council dated December 8, 2006 from Robert E. Halligan, Secretary of the Rumson Fire Company, advising of the outcome of the vote for 2007 Fire Chief and Assistant Fire Chief held on December 7, 2006 at the Rumson Fire Company and Oceanic Hook & Ladder Co. No. 1. The Fire Chief will be Jym Fenn and the Assistant Fire Chief will be Joe Ward.

**LETTER AND DONATION TO THE RUMSON EMS FROM PAUL RYAN THANKING THE EMS MEMBERS FOR THEIR RESPONSE AND PROFESSIONALISM WHILE AIDING HIS SON WHO WAS INJURED DURING A POP WARNER MIDGET GAME:**

The Municipal Clerk/Administrator advised of a letter to the Rumson EMS from Paul Ryan of 35 Robin Road expressing his appreciation for their response and professionalism when his son was injured during a Pop Warner Midget game on September 10, 2006.

**LETTER FROM THE STATE D.E.P. ADVISING THAT A WATERFRONT DEVELOPMENT PERMIT IS NOT REQUIRED FOR JAMES AND KATHLEEN TYRRELL AT 8 POND ROAD:**

The Municipal Clerk/Administrator advised of a letter from the New Jersey Department of Environmental Protection Division of Land Use Regulation advising that a Waterfront Development Permit is not required for James and Kathleen Tyrrell for work at their property located at 8 Pond Road.

On motion by Councilwoman DeVoe, seconded by Councilman Kammerer, the above five communications on the Consent Agenda were ordered received. All in favor.

**COMMITTEE REPORTS:**

Councilman Kammerer reported that Police Chief Richard E. Tobias advised in a memo to the Mayor and Council that the members of the Police Department, EMS and Fire Department had responded to a Medical Trauma Emergency on December 18<sup>th</sup>. Chief Tobias commended all involved for working with skill and professionalism in the emergency treatment of a construction worker who fell from a second story roof and coordinated his transportation by helicopter to the Trauma Unit at Jersey Shore Medical Center. Chief Tobias commended all involved and advised that the Police Officers involved were Sgt. Jeffrey Nixon; Detective Kevin Gaynor; Patrolmen Ron Vilardi, Bryan Dougherty, Anthony Ciambone, Chris Isherwood, and Chris York; and Special Officer Chris Hostrup, as well as the Dispatcher on duty.

On motion by Councilman Rubin, seconded by Councilman Broderick, this Committee Report was ordered received. All in favor.

### **UNFINISHED BUSINESS:**

### **ORDINANCE TO APPROVE THE INCREASE OF THE FEES FOR CERTIFIED COPIES OF VITAL STATISTIC RECORDS. PUBLIC HEARING:**

The Municipal Clerk/Administrator stated that an ordinance entitled:

#### **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER II, ADMINISTRATION, BOARD OF HEALTH**

was scheduled for public hearing at this time. He stated that the ordinance had been posted and published and the affidavit of publication is on file.

The Mayor afforded the members of the Council an opportunity to be heard on this ordinance in final reading and no one responded.

The Mayor afforded the public an opportunity to be heard on this ordinance in final reading and no one responded.

On motion by Councilman Rubin, seconded by Councilman Broderick, the public hearing on this ordinance was declared closed. All in favor.

Councilman Kammerer moved the adoption of this ordinance in final reading. Motion seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

### **NEW BUSINESS:**

### **RESOLUTION TO AWARD A THREE-YEAR CONTRACT TO WM RECYCLE AMERICA, LLC FOR THE BOROUGH'S RECYCLING OF NEWSPAPER, CARDBOARD,**

**MIXED PAPER AND COMMINGLED GLASS, ALUMINUM AND PLASTIC CONTAINERS:**

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Councilwoman DeVoe offered the following resolution and moved its adoption:

**RESOLUTION**

BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby awards a three (3) year contract to WM Recycle America, LLC, 4600 North Port Washington Road, Milwaukee, Wisconsin effective November 1, 2006 for the Borough's recycling of newspapers, cardboard, mixed paper and commingled glass, aluminum and plastic containers in accordance with their proposal received December 12, 2006, a copy of which is on file at Borough Hall and made a part hereof as if repeated herein; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk/Administrator be and are hereby authorized to execute a three-year recycling contract with WM Recycle America, LLC as aforesaid.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION TO ADOPT THE BOROUGH OF RUMSON MOTOR VEHICLE SAFETY POLICY:**

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Councilman Shanley offered the following resolution and moved its adoption:

**RESOLUTION**

WHEREAS, the Borough of Rumson owns a variety of vehicles that are driven by Borough employees and at times some Borough employees drive their own personal vehicles for Borough business; and

WHEREAS, the Borough's insurance carrier, the Joint Insurance Fund, has recommended the adoption of a Motor Vehicle Safety Policy for the drivers of Borough vehicles and personal vehicles used for Borough business; and

WHEREAS, under the guidelines set by the Joint Insurance Fund, the Borough Administration and Department of Public Works Superintendent developed a Motor Vehicle Safety Policy for the Borough employees using a Borough vehicle or their personal vehicles used for Borough business; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the Borough of Rumson Motor Vehicle Safety Policy be approved; and

BE IT FURTHER RESOLVED that a copy of the Policy be given to all Borough employees as requested by the Joint Insurance Fund.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION TO APPROVE THE DISTRIBUTION OF THE LOSAP BENEFIT TO THE ESTATE OF FORMER RUMSON FIREMAN BRIAN BOYER:**

Councilwoman DeVoe offered the following resolution and moved its adoption:

**RESOLUTION**

WHEREAS, the Borough of Rumson implemented a Length of Service Awards Program in 2005, as directed by the voters in the November 2004 General Election; and

WHEREAS, Brian Boyer was a fireman in the Rumson Fire Department, met the criteria and was eligible to participate in the Length of Service Awards Program in 2005; and

WHEREAS, Brian Boyer died unexpectedly prior to completing the enrollment for the Length of Service Awards Program in February 2006; and

WHEREAS, Brian Boyer should have received payment for his service to the Borough of Rumson in the amount of \$1,150 as part of the Length of Service Awards Program;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the Estate of Brian Boyer be issued \$1,150 for his service to the Borough of Rumson; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**TRANSFER RESOLUTION:**

Councilman Broderick offered the following resolution and moved its adoption:

## RESOLUTION

WHEREAS, it has become necessary to expend for certain purposes specified in the budget an amount in excess of the respective amounts appropriated therefore, and there shall be an excess in one or more appropriations; and

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson (by 2/3 vote) that the following transfers between appropriations be and the same are hereby approved:

TO:

Records Retention and Disposal	\$ 500.00
Street Department Other Expenses	\$ 2,000.00
Vehicle Maintenance	<u>\$ 5,000.00</u>
Total:	\$ 7,500.00

FROM:

Administration Salaries and Wages	<u>\$ 7,500.00</u>
Total:	\$ 7,500.00

BE IT FURTHER RESOLVED that the Borough Chief Financial Officer be and is hereby authorized and directed to debit and credit said accounts for 2006 accordingly.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

## **PROCLAMATION TO HONOR EAGLE SCOUT JOHN G. CHECTON:**

# ***PROCLAMATION OF THE BOROUGH OF RUMSON***

WHEREAS, John G. Checton of 7 Woodmere Avenue, Rumson, New Jersey has been a Boy Scout in Rumson Troop 201; and

WHEREAS, Mr. Checton chose to make his Eagle Scout Project to be the improvements to the area known as “Huddy’s Leap” in the Borough West Park by the Sea Bright Bridge off Rumson Road; and

WHEREAS, Mr. Checton researched the history and historic importance of “Huddy’s Leap” to make the residents of Rumson aware of this event; and

WHEREAS, Mr. Checton met with Borough and County Officials to select the best placement of the monument; and

WHEREAS, Mr. Checton planned for the re-landscaping of the site around the newly restored monument, replacement of the old bricks with new and placement of a new bench in an effort to beautify the area surrounding the monument for “Huddy’s Leap” on the Shrewsbury River; and

WHEREAS, Mr. Checton worked with the Borough Administrator and local residents to make the arrangements for the items needed to be donated for the project, organized the Department of Public Works employees and the volunteers from Boy Scout Troop 201 and coordinated the physical labor;

NOW, THEREFORE, the Borough Council of the Borough of Rumson does hereby proclaim:

*John G. Checton as a Distinguished Citizen*

for having done the Borough of Rumson a great service by reminding us of the importance of the event at “Huddy’s Leap” as an historic moment in Rumson’s long history and for rebuilding the site in a fitting tribute to draw attention to the location as a passive recreational area for all Borough residents to enjoy.

Mayor Ekdahl called John G. Checton forward to present him with a copy of the Proclamation and thanked Mr. Checton for his fine work and added that the County would be doing some work in the Park that would further highlight his project.

On behalf of the members of the Borough Council, Councilwoman DeVoe stated that she was pleased to commend and thank Mr. Checton on his service to the Rumson community with the addition of a “dignified and meaningful dimension to the Huddy Monument, which will be a part of Rumson history forever.”

Councilman Shanley congratulated Mr. Checton on his hard work and stated that he has known him all his young life and was very, very proud of him.

The other members of the Council thanked Mr. Checton.

Mr. Checton thanked the Mayor and Council for the Proclamation.

On motion by Councilman Rubin, seconded by Councilman Kammerer, the above Proclamation was carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**ANNOUNCEMENTS BY THE MAYOR:**

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Mayor Ekdahl made the following Announcements:

1. We would like to wish all of our residents and friends a Happy Hanukkah and Merry Christmas.

Borough Hall will be closed on Monday, December 25<sup>th</sup> in observance of Christmas Day.

2. Borough Hall will also be closed on Monday, January 1<sup>st</sup> in observance of New Year's Day.

There will be no garbage collection on December 25<sup>th</sup> and January 1<sup>st</sup>. You will have to wait until your next regular garbage collection day for pickup.

3. The Annual Borough Council Re-organization meeting will be held on New Year's Day. A continued meeting begins at 11:30 a.m. followed by the Re-organization meeting at 12:00 noon sharp. The meetings will be held in Bingham Hall at 40 Bingham Avenue again this year. The meeting will mark the beginning of the Borough's Centennial year-long celebration during 2007. A schedule of the planned events and projects will be announced at that time.
4. The Department of Public Works' Annual Toy Drive held on December 8<sup>th</sup> and 9<sup>th</sup> was a great success again this year. Over 900 new toys were collected and wrapped by the DPW employees on their own time and delivered to the Family & Children's Services in Long Branch and the Family Based Services Association of New Jersey in Eatontown.

I would like to thank and commend the DPW employees for their holiday spirit and generosity in donating their time for such a worthy cause. I would also like to thank all the residents who so generously donated the toys.

We wish everyone a happy and healthy New Year and invite you to attend the January 1<sup>st</sup> Re-organization meeting at Bingham Hall.

Thank you.

#### **COMMENTS FROM THE COUNCIL:**

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

#### **COMMENTS FROM THE PUBLIC:**

The Mayor afforded the public an opportunity to be heard at this time and no one responded.

#### **FINANCIAL OFFICER'S REPORT:**

The Financial Officer's Report disclosed the following cash on hand in the Current Fund Account as of December 21, 2006:

Wachovia Bank		
Balance:	12/07/06	\$ 7,328,168.25
Cash Receipts:		\$ 1,177,943.48
Void Check		\$ 0.00
Pre-Paid Items:		\$ (100.00)
Bills & Claims:	12/21/06	\$ (46,138.62)
Payroll:	12/15/06	\$ (192,889.20)
Wachovia Bank Balance:		<u>\$ 8,266,983.91</u>
Certificate of Deposits:		\$ 8,000,000.00
Money Market Funds:		\$ 0.00
Total Current Fund:		\$16,266,983.91

On motion of Councilman Broderick, seconded by Councilwoman DeVoe, the Financial Officer's Report was ordered received and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

#### **CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):**

Councilman Kammerer offered the following resolution and moved its adoption:

\$	1.20	NJ State Dept of Health
\$	1.20	Animal Control Account
\$	11,898.00	Moore Medical
\$	1,200.00	Treasurer State of NJ
\$	13,098.00	Capital Account
\$	100.00	Borough of Rumson Petty Cash
\$	621.24	Action Office Supplies
\$	118.60	Asbury Park Press
\$	322.50	Atlantic Plumbing
\$	500.00	Peter J. Barnett
\$	1,840.00	Custom Tire Associates
\$	680.58	Darley
\$	232.37	Emergency Medical Products
\$	454.30	F & C Automotive Supply Inc
\$	390.50	Galls Incorporated
\$	65.00	Peter Koenig
\$	499.95	Lanigan Associates Inc
\$	62.42	Lawson Products Inc

\$	81.00	Lawyers Diary Manual
\$	291.70	Lesco Inc
\$	43.70	Mazza and Sons Recycling
\$	13.50	Middletown Fire & Safety Inc
\$	15,119.65	Treasurer County of Monmouth
\$	224.00	Moore Medical
\$	59.70	Naylor's Inc
\$	203.01	Norwood Auto Parts
\$	3,898.50	Oceanic Hook and Ladder
\$	13,578.00	Overbrook Farm
\$	540.00	Quality Electrical Const Co
\$	7.46	Thomas S Rogers
\$	458.20	Rosano Asphalt
\$	511.96	Seely Equipment & Supply Co
\$	264.60	Doris M Shea
\$	3,725.08	South Jersey Energy
\$	82.27	Richard Tobias Petty Cash
\$	298.85	Trico Equipment Inc
\$	115.88	The Two River Times
\$	150.00	Uniform Headquarters
\$	400.00	Vic Roth Plumbing
\$	120.00	Joseph Ward
\$	88.00	Jessica Wardell
\$	76.10	Werner Dodge
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\$	46,238.62	Current Fund
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\$	400.00	Siciliano Landscape
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\$	400.00	Endowment Inc Account
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\$	260.00	Matt Alter
\$	160.00	Sean Burke
\$	140.00	Michael Cecere
\$	2,450.00	Jayne Kerry Chandler
\$	140.00	Nicolas Costa
\$	3,216.18	Alan Fendrick
\$	139.70	John Hird
\$	160.00	Robert Kelly
\$	160.00	Andrew Koch
\$	160.00	Cody McCauley
\$	140.00	Trey Potter
\$	300.00	Colin Quinn
\$	140.00	Kyle Reiss
\$	160.00	John C Riley III
\$	108.39	Denise Walker
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\$	7,834.27	Recreation Account
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\$	46,238.62	Current Fund Appropriations
\$	1.20	Animal Control Fund Expenses

\$	13,098.00	Capital Fund Disbursements
\$	400.00	Endowment Disbursements
\$	7,834.27	Recreation Disbursements
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\$	67,572.09	Total Of All Funds

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

### **ADJOURNMENT:**

On motion by Councilwoman DeVoe, seconded by Councilman Broderick, the meeting adjourned at 7:55 p.m. All in favor.

Respectfully submitted,

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Thomas S. Rogers, R.M.C.  
Municipal Clerk/Administrator